

REMARKS

Claims 3 and 86-90 are pending in this application. Claims 1, 2 and 4-85 are cancelled. In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Lack of Utility

The Examiner has rejected claim 3 under 35 U.S.C. § 101 asserting that the claimed invention lacks patentable utility due to its not being supported either by "specific" and/or "substantial" utility and/or a "well established" utility. Applicants respectfully traverse this rejection for the reasons of record, which are herein incorporated by reference.

Issues Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claim 3 under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse these rejections for the reasons of record, which are herein incorporated by reference.

Enablement

The Examiner asserts that claim 3, while being enabling SEQ ID NO. 70,493 does not reasonably provide enablement for homologues as defined. Applicants respectfully traverse this rejection for the reasons of record, which are herein incorporated by reference.

Further, claims 86, 88 and 90 are free of this rejection.

Written Description

The Applicants further submit that the present claims are fully supported by the present specification in such a way as to reasonably convey to one skilled in the art that Applicants, at the time the application was filed, had possession of the invention as claimed. Applicants respectfully traverse this rejection for the reasons of record, which are herein incorporated by reference.

Further, claims 86, 88 and 90 are free of this rejection.

In view of the above, Applicants request that the Examiner withdraw all rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact the undersigned at the offices of Birch, Stewart, Kolasch & Birch, LLP.

Application No. 09/724,676

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) months extension of time for filing a reply in connection with the present application, and the required fee of \$475.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner, #32,181

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

MSW/sh
2786-0238P